IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE M.E.N.PATRUDU

WRIT PETITION NO :26804 of 2005

-

-

-

Dated: 25th January 2006.

-

Between:

The Commissioner and Director of School Education and others

..... PETITIONERS

AND

Sri Yalala Krishna

.....RESPONDENT

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M.E.N.PATRUDU

W.P.NO.26804 OF 2005

ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

Aggrieved by an order in O.A.No.3215 of 2003, dated 30th August 2005, on the file of the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal'), the respondents therein preferred the present writ petition. It may not be necessary to go into the details of the case, except to state that the O.A., simply came to be allowed on the ground that neither counter was filed nor record of the Selection Committee, was produced before the Tribunal by the respondents therein i.e., the writ petitioners. Therefore, it was presumed that the allegations made in the affidavit filed in support of the O.A., stand un-rebutted.

Though we do not find any illegality in the order, the fact remains that the matter went uncontested, as there was a lapse on the part of the petitioners in taking appropriate steps for contesting the matter.

When the matter is taken up today, the learned Government Pleader for Services-I produced proceedings of the Director of School Education in Rc.No.142/RC-3/2006-2, dated 24th January 2006, indicating that the petitioners identified the Superintendent concerned, O/o DEO, Hyderabad, who is responsible for the lapse in not contesting the matter and directions were given to initiate appropriate proceedings against the said officer.

In the circumstances, we are of the opinion that the petitioners be given an appropriate opportunity to contest the O.A. The writ petition is, therefore, allowed remitting the matter back to the Tribunal for disposal of the matter on merits. The petitioners are directed to file their counter within a period of two weeks from the date of receipt of a copy of this order and in background of the abovementioned facts, the Tribunal may consider the disposal of the O.A., within a period of four weeks thereafter.

---

J.Chelameswar, J

---

M.E.N.Patrudu, J

25th January 2006

mrk